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8 BRENT R. WILKES

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11)	Case No.: 07CR0329-LAB
12)	DECLARATION OF MARK J GERAGOS
13)	IN SUPPORT OF MOTION OF
14)	DEFENDANT BRENT WILKES TO
15)	DISMISS INDICTMENT BASED ON
16)	OUTRAGEOUS GOVERNMENT
17)	CONDUCT AND VIOLATIONS OF
18)	RULE 6(E)
19)	Date: May 14, 2007
20)	Time: 2:00 p.m.
21)	Courtroom: 9 (2 nd Floor)
22)	Judge: Hon. Larry A. Burns
23)	
24)	
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28)	

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 KYLE DUSTIN FOGGO, AND BRENT ROGER
16 WILKES,

17 Defendants.

1 I, Mark J. Geragos, hereby declare and state:

2 1. I am an attorney with the law firm of Geragos & Geragos, a professional
3 corporation, attorneys of record for defendant Brent R. Wilkes in the above-captioned
4 action. I am licensed to practice law before this Court. I am the attorney with primary
5 responsibility in the defense of Mr. Wilkes in this action. Accordingly, unless otherwise
6 stated, I have personal knowledge of the matters set forth herein and, if called to testify
7 thereto, could and would do so competently. I make this declaration in support of the
8 Motion Of Defendant Brent Wilkes To Dismiss Indictment Based On Outrageous
9 Government Conduct And Violations Of Rule 6(e).

10 2. I am informed that Mr. Wilkes was never provided a target letter from the
11 government informing him that he was under investigation in the Cunningham matter.

12 3. In the weeks leading up to the Grand Jury Indictments in this matter, I and
13 others involved in this case received numerous telephone calls and messages from
14 reporters who conveyed what was obviously confidential and secret grand-jury
15 information. In fact, based on these many messages and published articles I contacted
16 two of the assigned prosecutors in this matter and expressed my dismay over these illegal
17 leaks of Grand Jury information. On February 1, 2007 I memorialized one of these
18 conversations in a letter sent to the U.S. Attorney's office, a true and correct copy of
19 which is attached hereto as Exhibit 1.

20 4. As the prosecutors have conceded in open court, these leaks can only have
21 been from members of the prosecution team.

22 5. Around the same time the print reporters were disclosing to me detailed
23 knowledge of the draft indictments, and stating that government officials were showing
24 them copies of draft indictments, a television reporter told me that an attorney at the
25 Justice Department main offices in Washington D.C. ("Main Justice") had disclosed that
26 Main Justice believed that it could no longer exercise its normal supervisory role because
27 the leaks of the indictment "would now make any action taken by Main Justice appear to
28 be political".

1 6. A few days before the indictments were unsealed, I received a telephone
2 call from a local reporter who told me that the United States Attorney would ask the
3 Grand Jury to issue the indictments against Mr. Wilkes the following day, and described,
4 in detail, the contents of those indictments. When I asked the reporter about the timing of
5 the indictments, the reporter told me that United States Attorney, Carol Lam, wanted the
6 indictments issued and announced before her departure date the following Thursday, two
7 days later.

8 7. At least six reporters telephoned me, my co-counsel, or my client. At least
9 two of those reporters published all or part of the information disclosed to them by
10 government officials in violation of Rule 6(e). Attached hereto as Exhibit 2 are true and
11 correct copies of newspaper articles from a few of those outlets as authored by some of
12 those reporters disclosing secret grand jury matters illegally disclosed to them by
13 government officials.

14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct. Executed this twenty-third day of April, 2007 at
16 Los Angeles, California.

/ s / Mark J. Geragos

MARK J. GERAGOS

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